



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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### CERTIFIED MAIL RETURN RECEIPT REQUESTED

May 26, 2017

Lee D. Hoffman, Esq.  
Pullman & Comley LLC  
90 State House Square  
Hartford, CT 06103

RE: **PETITION NO. 1294** – LSE Canes Venatici LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation, and maintenance of a 2.0 megawatt AC Solar Photovoltaic Electric Generating facility located at East Windsor Tax Assessor Map 037, Block 65, Lot 027A, Wapping Road, East Windsor, Connecticut. (NORCAP North).

Dear Attorney Hoffman:

At a public meeting held on May 25, 2017, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need, with the recommendation to establish vegetation that includes model pollinator habitat and with the following conditions:

1. The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of East Windsor for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a. Final site plan(s) for the development of the facility including, but not limited to, placement of the solar panels and support structures, electrical interconnection design, access road(s), landscaping, and fence design;
  - b. A Phasing Plan for construction activities, including, but not limited to, clearing and grubbing, grading, excavation, filling and dewatering, to avoid disturbance of no more than 5 acres at a time that includes, but is not limited to, limits of clearing, grading and installation of temporary stormwater controls for runoff per phase, a depiction of the sequence or specific order of phased construction activities relative to site preparation and stormwater controls, and use of best management practices and procedures for stabilization of one phase before another phase begins;
  - c. An Erosion and Sedimentation Control Plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*, as amended, that includes, but is not limited to, a plan for soil stabilization and protection that ensures existing vegetation is preserved to the maximum extent practicable and that disturbed portions of the site are minimized and stabilized, and a narrative and drawings of interim and permanent soil stabilization practices for managing disturbed areas and soil stockpiles;



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- d. A Stormwater Management Plan consistent with the *2004 Connecticut Stormwater Quality Manual*, as amended, stamped by a professional engineer duly licensed in the state of Connecticut that includes, but is not limited to, details as to how stormwater runoff will be controlled per phase of construction activity, a clear depiction of the limits of disturbance for the entire construction activity and for each phase of construction activity, and structural measures, such as temporary sediment traps or temporary sediment basins, to divert flows away from exposed soils, store flows or otherwise limit runoff and minimize the discharge of pollutants from the site; and
  - e. Provision to maintain grasses and forbs within the proposed sedimentation basin by mowing the basin once per year, outside of the wood turtle's active season of March 1 to November 1.
2. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide, if requested, Emergency Response training;
3. Approval of any minor project changes be delegated to Council staff;
4. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
5. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of East Windsor;
6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
7. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
8. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
9. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

PETITION NO. 1294  
May 26, 2017

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated March 27, 2017 and additional information received on May 8, 2017.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,

A handwritten signature in blue ink that reads "Robert Stein MAB". The "MAB" is written in a smaller, more stylized font to the right of "Stein".

Robert Stein  
Chairman

RS/RDM/lm

Enclosure: Staff Report dated May 25, 2017

c: The Honorable Robert L. Maynard, First Selectman, Town of East Windsor  
Laurie P. Whitten, CZEQ, AICP, Town Planner, Town of East Windsor  
Jeffrey J. Macel, Esq., Lodestar Energy LLC  
John H. Switzer, Lodestar Energy LLC



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### Petition No. 1294

**LSE Canes Venatici LLC – Lodestar Energy**

**NORCAP North Solar Facility**

**East Windsor, Connecticut**

**Staff Report**

**May 25, 2017**

### Introduction

On March 27, 2017, LSE Canes Venatici LLC, a subsidiary of Lodestar Energy LLC (Lodestar), submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, operation and maintenance of a 2.0 megawatt (MW) alternating current solar photovoltaic generating facility located at 84 Wapping Road in East Windsor, Connecticut. On April 19, 2017, the Council submitted interrogatories to Lodestar for additional project information. Lodestar responded to the Council's interrogatories on May 3, 2017.

On April 26, 2017, the Council conducted a field review of the proposed project that was attended by Council members Robert Hannon and Daniel Lynch, Council staff member Robert Mercier, Lodestar representatives Timothy Coon, Jeffery Macel and Jordan Belknap, and the Town of East Windsor Director of Planning and Development, Laurie Whitten.

On or about March 21, 2017, Lodestar notified the Town of East Windsor (Town), abutting property owners, and state officials and agencies of the project. On April 28, 2017, the Council received correspondence from East Windsor First Selectman Robert Maynard indicating support for the proposed project. On May 2, 2017, the Department of Transportation Bureau of Engineering and Construction submitted correspondence to the Council indicating that the agency has no comment.

### Municipal Consultation

Prior to filing the Petition with the Council, Lodestar attended public meetings of the Town Inland Wetlands Watercourse Agency on December 7, 2016, the Planning and Zoning Commission on December 13, 2016, and the Town Selectmen's public meeting on December 20, 2016. At the meetings, Lodestar provided information about the proposal and responded to questions. No specific changes to the project were requested by the Town.

### Public Benefit

The project would be a "grid-side distributed resources" facility, as defined in Connecticut General Statutes (CGS) § 16-1(a)(37). CGS § 16a-35k establishes the State's energy policy, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The 2013 Connecticut Comprehensive Energy Strategy emphasizes low- or no-emission sources of electric generation and development of more distributed generation. The proposed facility is a distributed generation project and would contribute to fulfilling the State's Renewable Portfolio Standard as a zero emission Class I renewable energy source. The site is presently used for commercial agriculture and the project will be participating in the State's Agricultural Virtual Net Metering Program.



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### **Proposed Site**

Lodestar would construct the solar facility on a 12 acre leased area within a 14.6-acre parcel owned by the Northern Capital Region Disposal Facility, Inc. (NORCAP). The parcel, located west of Wapping Road, is zoned agricultural/residential and is currently used as a soil and stump storage area. The landlocked parcel is bound by a capped landfill owned by NORCAP to the west and south and by undeveloped land to the north and east. Access to the leased area would be from an existing dirt road that extends from 750 feet across an abutting NORCAP parcel from Wapping Road.

A solar installation on the capped landfill was considered but ultimately determined not to be viable due to steep wooded slopes that could not support a solar racking system, the lack of suitable access to the top of the landfill, and the limited amount of flat terrain on top of the landfill that would be suitable for solar development.

### **Proposed Project**

The proposed solar field would occupy approximately 10 acres of the 12 acre leased area. The solar field would include 9,288 solar photovoltaic modules connected to 34 string inverters. The panels would be installed on a post driven rack support system arranged in linear rows with the vertical steel support posts driven approximately eight feet into the ground. The racking support system would be designed in accordance with the State building code. The panels would be oriented to the south at a 25 degree angle and would extend to a height of eight feet above ground level.

The project would interconnect with Eversource's existing overhead 23-kilovolt three-phase distribution line on Wapping Road. Lodestar would install seven new utility poles along the access road, and a 1,100-foot long three phase 23-kV overhead line connecting to a transformer/switchgear pad located in the southeast portion of the solar field. From there, an underground line would connect to a second transformer/switchgear pad in the northeast portion of the solar field.

An eight-foot high fence of two-inch mesh would enclose the solar field. The existing dirt access road to the solar field would be improved and widened to conform to Town requirements for emergency responder vehicle access. Lodestar has submitted an Emergency Response Plan to the Council.

Construction of the project would take four to six months and would begin once Project approvals are obtained. Work hours would be 7 AM to 7 PM, Monday through Saturday.

### **Environmental Considerations**

Approximately 8 acres of the solar field area is currently barren with the remainder of the project area consisting of shrubs and woodland. Lodestar would clear 3.7 acres of shrub sand woodland along the northern and eastern sides of the leased area and grade the site so that it slopes to the northwest at a gentle grade.

A sedimentation basin specific for project construction would be established in the northwest corner of the site, near the location of a former sedimentation basin that was established for past property use. The proposed sedimentation basin would be constructed partially on land owned by NORCAP to the west, requiring Lodestar to obtain a land lease agreement with NORCAP for use of this area.

The proposed sedimentation basin would convey stormwater flows over porous gravelly soils towards the former sedimentation basin. During larger storm events, water could be discharged via a rip rap supported overflow outlet. Prior to site construction, Lodestar would register under the Department of Energy and

Environmental Protection (DEEP) General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities. Additionally, Lodestar would prepare a DEEP required Stormwater Pollution Control Plan.

The project site is 2,200 feet south of a DEEP designated aquifer protection area. No impacts to the aquifer protection area are anticipated as Ketch Brook is between the site and the aquifer, acting as a groundwater divide. Private water wells are located near the site, with the nearest well over 800 feet distant. No impacts to private drinking water wells are expected. Although the northwest portion of the property is within a Federal Emergency Management Agency designated 100-year flood zone, the project lease area is not within the flood zone.

Once construction is complete, Lodestar would seed the solar field and sedimentation basin with appropriate seed mixes. Approximately 4,920 cubic yards of topsoil would be imported to the site and spread to a depth of three inches for seeding. A low growth, low maintenance meadow/seed mix would be used, and once established, would provide necessary stormwater infiltration at the site. The construction sedimentation basin would no longer be used and would be left in place. Mowing of the main solar field, excluding the sedimentation basin, would occur twice per year. The sedimentation basin would be mowed once per year. No pesticides or herbicides would be used at the site.

The project development area does not contain any wetlands. A wetland area is located immediately north of the proposed sediment basin, in the depression of the former sedimentation basin that was established for past activities on the property. A second wetland, a riparian wetland associated with Ketch Brook, was identified 150 feet northeast of the leased project area limit. Part of this wetland extends on the site property but not within the leased area. A steep wooded escarpment rises along the northern side of the property, beyond the project lease area, acts as a stormwater barrier to Ketch Brook.

DEEP initially reviewed the project and determined that three species listed on the Natural Diversity Database could occur at the site: the American Kestrel, the red-headed woodpecker and the wood turtle. Lodestar conducted an on-site investigation for these species and determined that the kestrel and woodpecker would have a low site utilization given past and ongoing disturbance with heavy machinery at the site and the lack of vegetation over most of the site. Potential use of the site by the wood turtle was considered moderate in the northwest corner of the parcel, an area approximately 150 feet from Ketch Brook, and as a result, Lodestar would implement established DEEP wood turtle protection protocols during construction. Additionally, as recommended by the ecological consultant, Lodestar would establish and maintain grasses and forbs within the proposed sedimentation basin upon completion of site construction and would mow the basin once per year, outside the turtle's active season of late March to late October.

A portion of the parcel is designated as prime farmland according to mapping maintained by the United States Department of Agriculture. Although mapped as such, no prime farmland soils remain within the project area due to past sand and gravel mining. The parcel is not enrolled in the Connecticut Department of Agriculture Farmland Preservation Program.

The State Historic Preservation Office submitted correspondence to Lodestar indicating the project would have no adverse effect on cultural or historic resources.

The project would not produce air or water emissions as a result of operation. A carbon debt analysis accounting for the loss of 3.7 acres of woodland in comparison to the generated solar power that displaces fossil fuel generation indicates a net carbon reduction would begin after 3.8 years of site operation.

The proposed project is expected to meet the DEEP noise standards at the property boundaries. No residential development is near the site. The site would not be visible from any developed abutting properties or area roads and no landscaping is proposed.

The project has an initial service life of 20 years. A Decommissioning Plan was submitted to the Council and has provisions for project removal and component recycling.

### Conclusion

The project is a grid-side distributed resource with a capacity of not more than sixty-five megawatts and meets air and water quality standards of DEEP. The proposed project will not produce air emissions, will not utilize water to produce electricity, was designed to minimize environmental impacts, and furthers the State's energy policy by developing and utilizing renewable energy resources and distributed energy resources.

### Recommendations

Staff recommends inclusion of the following conditions:

1. The Petitioner shall prepare a Development and Management Plan (D&M) for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of East Windsor for comment and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) Final site plan(s) for the development of the facility including, but not limited to, placement of the solar panels and support structures, electrical interconnection design, access road(s), landscaping, and fence design;
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  - c) An Erosion and Sedimentation Control Plan consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*, as amended, that includes, but is not limited to, a plan for soil stabilization and protection that ensures existing vegetation is preserved to the maximum extent practicable and that disturbed portions of the site are minimized and stabilized, and a narrative and drawings of interim and permanent soil stabilization practices for managing disturbed areas and soil stockpiles; and
  - d) A Stormwater Management Plan consistent with the *2004 Connecticut Stormwater Quality Manual*, as amended, stamped by a professional engineer duly licensed in the state of Connecticut that includes, but is not limited to, details as to how stormwater runoff will be controlled per phase of construction activity, a clear depiction of the limits of disturbance for the entire construction activity and for each phase of construction activity, and structural measures, such as temporary sediment traps or temporary sediment basins, to divert flows away from exposed soils, store flows or otherwise limit runoff and minimize the discharge of pollutants from the site.
2. Provide a copy of the Emergency Response Plan to local emergency responders prior to facility operation and provide, if requested, Emergency Response training; and
3. Approval of any minor project changes be delegated to Council staff.

NORCAP North - Proposed Project Site

